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09/842,317	04/26/2001	Yves Boudreault	1500.1102	5660

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

CERVETTI, DAVID GARCIA

ART UNIT	PAPER NUMBER
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2136

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 09/842,317	Applicant(s) BOUDREAU ET AL.	
	Examiner David Garcia Cervetti	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments filed November 6, 2007, have been fully considered, but are not persuasive.
2. Claims 1-45 are pending and have been examined.

Response to Amendment

3. The objection to the specification is withdrawn.
4. The objections to claims 1, 2, 4, 6, and 7 are withdrawn.
5. Regarding Applicant's arguments, Examiner points to fig. 3B and pars. 213-231 where access control of specific parts and modifications are allowed, extraction of specific frames for promotional purposes, and to pars. 79-80 where Shear teaches extending rights management through to the editing process. While it is true that the elements must be arranged as required by the claim, this is not an ipsissimis verbis test, i.e., identity of terminology is not required. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Note that, in some circumstances, it is permissible to use multiple references in a 35 U.S.C. 102 rejection. See MPEP § 2131.01. **Applicant's arguments are not persuasive.**
6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., modify some attributes) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). **Applicant's arguments are not persuasive.**

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Shear et al. (US Patent Application Publication 2001/0042043, hereinafter Shear).**

Regarding claims 1, 11, 26, and 36, Shear teaches mixed-media data encoding apparatus, in which said mixed-media data includes a plurality of data types (**abstract**), comprising encoding means configured to encode said mixed-media data to prevent unauthorised access (**pars. 213-216**) and; storage means configured to store said encoded data, wherein user access to said data is possible in response to an accessing activity performed by a user and, in a first level of access, a first set of user modifications may be made to said data in response to a first accessing activity and, in a second level of access, a second set of user modifications may be made to said data in response to a second accessing activity (**pars. 216-220**).

Regarding claims 5, 17, and 28, Shear teaches encoded mixed-media data decoding apparatus, in which said data includes a plurality of data types (**abstract**), comprising receiving means arranged to receive an encoded media data file (**pars. 220-222**); and activity responsive means configured to respond to an accessing activity,

wherein a first accessing activity provides a first level of access and a second accessing activity provides a second level of access (**pars. 33-44, 250-253**).

Regarding claim 30, Shear teaches a media data format for communicating media data from a source station to a destination station in an encoded form, in which said media data includes a plurality of image related and/or audio related data types (**pars. 213-219**), wherein: media data is encoded at a transmitting station (**pars. 165-169**); said encoded data is transmitted to a receiving station (**pars. 165-169**); and said transmitted data is decoded at a receiving station (**pars. 180-181**), wherein said transmitted encoded data includes data fields configured to allow levels of access to a user in response to particular user access activities (**pars. 33-44, 250-253**).

Regarding claim 2, Shear teaches wherein said storage means is a local hard drive, a removable disk, a Compact Disc Read-Only Media or a Digital Versatile Disk (**abstract, pars. 169-179**).

Regarding claim 3, Shear teaches including data distribution means for distributing said encoded data over a distribution channel (**par. 3, 296-317**).

Regarding claim 4, Shear teaches wherein said distribution channel is a television broadcast channel or the Internet (**pars. 44-49**).

Regarding claim 6, Shear teaches wherein said receiving means includes a disk reader, a Compact Disc Read-Only Media reader, a Digital Versatile Disk reader, an internet connection or a television receiver (**abstract, pars. 44-49, 180**).

Regarding claim 7, Shear teaches wherein said receiving means includes decryption means configured to decrypt an encrypted portion of the media data,

including said data types, with the assistance of data read from a non-encrypted portion to produce decrypted data (**pars. 78-81, 216-220**).

Regarding claim 8, Shear teaches wherein said activity responsive means is configured to read an access defining portion of said decrypted data to determine the nature of said accessing activities (**pars. 216-220**).

Regarding claim 9, Shear teaches wherein said access defining portion of said decrypted data defines a plurality of passwords and said activity responsive means is responsive to said passwords being identified so as to provide a particular level of access to said data (**pars. 250-253**).

Regarding claim 10, Shear teaches wherein said activity responsive means is responsive to passwords being entered manually by a user (**pars. 212-215**).

Regarding claims 12 and 31, Shear teaches wherein said media data types include motion data, model data, deformation parameters, constraints, expressions or relations, textures, colour values, cameras, lights, video, audio, device information, a timeline or user data or any combination of these data types (**pars. 15-28, 216-219**).

Regarding claim 13, Shear teaches wherein said encoding includes adding access passwords to produce an internal file with passwords (**pars. 178-179, 199-200**).

Regarding claim 14, Shear teaches wherein said encoding includes encrypting said internal file to produce an encrypted internal file / wherein said encoded data includes an encrypted portion encrypted by said encryption key (**pars. 199-200**).

Regarding claims 15 and 32, Shear teaches wherein said encoding includes adding an encryption key or a portion of said encryption key to a header to produce an encoded export file (**pars. 199-200, 216-219**).

Regarding claims 16 and 33, Shear teaches wherein said encoding adds random data to selected positions of said header (**pars. 216-219**).

Regarding claim 18, Shear teaches wherein said activity comprises identifying a password (**pars. 178-179, 199-200**).

Regarding claims 19 and 37, Shear teaches wherein said first level of access provides for the rendering and playback of three-dimensional data so as to produce two-dimensional output (**pars. 33-44**).

Regarding claims 20 and 38, Shear teaches wherein said second level of access allows behaviour triggering to be modified (**pars. 33-44**).

Regarding claims 21 and 39, Shear teaches wherein a third accessing activity provides a third level of access that allows scene control (**pars. 33-44**).

Regarding claims 22 and 40, Shear teaches wherein a fourth accessing activity provides a fourth level of access that allows clip libraries to be modified (**pars. 33-44**).

Regarding claims 23 and 41, Shear teaches wherein a fifth accessing activity provides a fifth level of access that allows animation to be edited (**pars. 33-44**).

Regarding claims 24 and 42, Shear teaches wherein a sixth accessing activity provides a sixth level of access that allows model editing and texture editing to be performed (**pars. 33-44**).

Regarding claims 25 and 43, Shear teaches wherein a seventh accessing activity provides a seventh level of access that allows full control to the data (**pars. 33-44**).

Regarding claims 27 and 29, Shear teaches a computer-readable medium having computer-readable instructions executable by a computer such that, when executing said instructions a computer will perform a method in accordance with claims 12 / 18 (**pars. 180-182**).

Regarding claim 34, Shear teaches wherein said encoding step includes encrypting said internal file to produce an encrypted internal file / wherein said encoded data includes an encrypted portion encrypted by said encryption key (**pars. 199-200**).

Regarding claim 35, Shear teaches wherein said encrypted portion includes mixed-media data types and access passwords (**pars. 216-219**).

Regarding claim 44, Shear teaches wherein said first data field for media data and said second data field for accessing data are encrypted (**pars. 216-219**).

Regarding claim 45, Shear teaches including a header having an encryption key or part of an encryption key embedded therein to facilitate the decryption of said encrypted data fields (**pars. 216-219**).

Conclusion

9. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David García Cervetti whose telephone number is


(571)272-5861. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David García Cervetti/

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100


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